
IMPLEMENTATION *P*ROCEDURES

FOR

DESIGN APPROVAL, PRODUCTION ACTIVITIES,
EXPORT AIRWORTHINESS APPROVAL,
POST DESIGN APPROVAL ACTIVITIES, AND
TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

Under the Agreement between
The Government of the United States of America
and
The Government of Malaysia
For Promotion of Aviation Safety

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January 8, 2002

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IMPLEMENTATION PROCEDURES

for

Design Approval, Production Activities, Export Airworthiness Approval, Post Design Approval Activities, and Technical Assistance Between Authorities

SECTION I GENERAL

- 1.0 **Authorization.** These Implementation Procedures are authorized by Article III of the Agreement between The Government of the United States of America and The Government of Malaysia for the Promotion of Aviation Safety, dated May 28, 1996, also known as the Bilateral Aviation Safety Agreement, or “BASA executive agreement.” In accordance with Article III, the Federal Aviation Administration (FAA) and Department of Civil Aviation (DCA) have determined that the aircraft certification systems of each authority for the design approval, production approval, and airworthiness certification, and continuing airworthiness of civil aeronautical products are sufficiently similar in structure and performance to make these Implementation Procedures feasible. (See *Section II - Scope.*)
- 1.1 **Purpose.** The purpose of this document is to define the civil aeronautical products and parts eligible for import into the United States and Malaysia, and to define the interface requirements and activities between the authorities for the import and continued support of those civil aeronautical products.
- 1.2 **Principles.** These Implementation Procedures address the performance of design, production, airworthiness, and related certification functions, and are based on a high degree of mutual confidence in the FAA’s and DCA’s technical competence and regulatory capabilities to perform these functions within the Scope of these Implementation Procedures. The FAA and DCA, as importing civil airworthiness authorities, shall give the same validity to the certification made by the other, as the exporting civil airworthiness authority, as if the certification had been made by the FAA or DCA in accordance with its own applicable laws, regulations, and requirements. Also, when a finding is made by one authority in accordance with the laws and regulations of the other authority and with these procedures, that finding is given the same validity as if it were made by the other authority. Therefore, the fundamental principle of these Implementation Procedures is to maximize the use of the exporting civil airworthiness authority’s aircraft certification system to ensure that the airworthiness standards of the importing civil airworthiness authority are satisfied .
 - 1.2.0 The FAA and the DCA agree that all information, including technical documentation, exchanged under these Implementation Procedures will be in the English language.
 - 1.2.1 These Implementation Procedures apply to the import of products, appliances and parts manufactured in the country of the exporting civil

airworthiness authority. “Manufactured in” means the production process in the country of the exporting civil airworthiness authority in which products, appliances, and parts first come together as completed end units in final assembly and are first tested as a unit for airworthiness certification purposes.

1.3 Changes in Authority Aircraft Certification Systems

1.3.0 These Implementation Procedures are based upon sufficiently similar aircraft certification systems being in place at the time of signing. Therefore, the importing and exporting authorities shall keep each other informed of significant changes within those systems, such as:

- (a) statutory responsibilities;
- (b) organizational structure (e.g., key personnel, management structure, technical training, office location);
- (c) significant revisions to airworthiness and environmental standards;
- (d) production quality control system oversight; including oversight of out-of-country production of parts; or
- (e) delegated functions or the kinds of organizations to which functions have been delegated.

1.3.1 The FAA and DCA recognize that revision by either authority to its regulations, policies, procedures, statutory responsibility, organizational structure, production quality control system oversight, or delegated responsibilities may affect the basis and the scope of these Implementation Procedures. Accordingly, upon notice of such changes by one authority, the other authority may request a meeting to review the need for revision to these Implementation Procedures.

1.4 Authority Meetings. The FAA and DCA agree to meet as necessary to review these Implementation Procedures and their continued validity. The frequency of these meetings will be mutually agreed to by both authorities, and will depend on the amount and significance of the issues to be discussed between the authorities. Every effort should be made to alternate the location of these meetings between Washington, DC, and Kuala Lumpur, Malaysia.

1.5 National Requirements.

1.5.0 The FAA's standards for aircraft airworthiness and environmental certification are contained in Code of Federal Regulations (CFR), Title 14, Parts 21, 23, 25, 27, 29, 31, 33, 34, 35, and 36. The FAA also uses Joint Aviation Requirements (JAR)-22 and JAR-VLA for some special class aircraft. Guidance material, policy, and procedures are contained in FAA Advisory Circulars, Orders, Notices, and Policy Memoranda.

1.5.1 The DCA's standards of aircraft airworthiness certification are contained in the Malaysian Civil Aviation Regulations (MCARs) Part V, related Airworthiness Notices (AN) and the Airworthiness Division Manual (ADM).

1.6 Interpretations. In the case of conflicting interpretations of the laws, airworthiness or environmental regulations/standards, requirements, or acceptable means of compliance pertaining to certifications, approvals, or acceptance under these Implementation Procedures, the interpretation of the civil airworthiness authority whose law, regulation/standard, requirement, or acceptable means of compliance is being interpreted shall prevail.

1.7 Amendments and Points of Contact.

1.7.0 These Implementation Procedures may be amended by mutual consent of the FAA and DCA. Amendments shall be made effective by signature of the duly authorized representatives of the FAA and the DCA.

1.7.1 The designated offices for the technical implementation of these Implementation Procedures are:

For the FAA:

Aircraft Certification Service
Federal Aviation Administration
AIR-4
800 Independence Ave. SW

Washington, DC 20591
Telephone: (202) 267-7008
Fax: (202) 267-5364

For the DCA:

Airworthiness Division
Department of Civil Aviation
Level 1, Block D5
Federal Government Administration
Centre
62502 Putrajaya
Malaysia
Telephone: 603-88866097
Fax: 603-88891504

1.7.2 The designated offices for administrative coordination of these Implementation Procedures are:

For the FAA:

Office of International Aviation
AIA-1
800 Independence Ave., SW
Washington, DC 20591

Telephone: (202) 267-3230

Fax: (202) 267-5032

For the DCA:

Airworthiness Division
Department of Civil Aviation
Level 1, Block D5
Federal Government Administration
Centre

62502 Putrajaya

Malaysia

Telephone: 603-88866097

Fax: 603-88891504

- 1.8 Entry Into Force and Termination. These Implementation Procedures shall enter into force upon signature and shall remain in force until terminated. Either the FAA or DCA may terminate these Implementation Procedures upon sixty days written notice to the other party. Termination will not affect the validity of activity conducted under these provisions prior to termination.
- 1.9 Definitions. The definitions in Article II of the BASA executive agreement are incorporated by reference in these Implementation Procedures. The following definitions are provided to supplement those definitions in Article II.
- (a) “Additional Technical Condition” means a requirement of the importing country that is in addition to the applicable airworthiness requirements of the State of Design or that may be prescribed to provide a level of safety equivalent to that provided by the applicable airworthiness requirements for the importing country.
- (b) “Airworthiness Standards” means regulations governing the design and performance of civil aeronautical products, parts, and appliances.
- (c) “Appliance” means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communications equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, aircraft engine, or propeller.
- (d) “Civil Aeronautical Product” (herein also referred to as “product”) means any civil aircraft, aircraft engine, or propeller, as defined in Section II - Scope.
- (e) “Critical Component” means a part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section

of the manufacturer's maintenance manual or Instructions for Continued Airworthiness.

(f) “Environmental Approval” means an approval issued when a civil aeronautical product has been found to comply with standards concerning noise, fuel venting, and/or exhaust emissions.

(g) “Environmental Standards” means regulations governing designs with regard to noise characteristics, fuel venting, and exhaust emissions of civil aeronautical products and appliances.

(h) “Environmental Testing” means a process by which a civil aeronautical product or appliance is determined to comply with environmental standards.

(i) “Equivalent Level of Safety Finding” means a finding that alternative action taken provides a level of safety equal to that provided by the requirements for which equivalency is being sought.

(j) “Exemption” means a grant of relief from requirements of a current regulation when processed through the appropriate regulatory procedure by the FAA or DCA, and found to have a level of safety at least equal to the regulation for which the relief is granted.

(k) “Exporting Civil Airworthiness Authority” means the national organization within the exporting State, charged by the laws of the exporting State, to regulate the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The exporting civil airworthiness authority will be referred to herein as the exporting authority.

(l) “Familiarization” means the process whereby the importing authority obtains information and experience on an aeronautical product designed in the exporting State in order to prescribe additional technical conditions for that product; implements corrective airworthiness action in the event that the product experiences service difficulties during its operation in the importing State; and ensures the development of appropriate maintenance, operating, and pilot type rating information, if applicable, for the product.

(m) “Finding” means a determination of compliance/non-compliance as the result of an airworthiness authority's review, investigation, inspection, test, and/or analysis.

(n) “Importing Civil Airworthiness Authority” means the national organization within the importing State, charged by the laws of the importing State with regulating the airworthiness and environmental certification, approval, or acceptance of civil aeronautical products, parts, and appliances. The importing civil airworthiness authority will be referred to herein as the importing authority.

- (o) “Issue Paper” means a document representing an item that requires resolution prior to the issuance of the DCA or FAA type or supplemental type certificate.
- (p) “Maintenance” means the performance of inspection, overhaul, repair, preservation, and the replacement of parts or appliances of a product, but excludes preventive maintenance.
- (q) “Manufacturer” means the person who, by FAA or DCA regulation, is responsible for determining that all products, parts, or appliances thereof produced within the quality assurance/control system conform to an FAA or DCA-approved design or established government or industry standard and are in a condition for safe operation.
- (r) “Multi-National Consortium” means a group of manufacturers from multiple countries who have agreed to form a single company for production of a particular product.
- (s) “New Aircraft” means an aircraft that is still owned by the manufacturer, distributor, or dealer, if there is no intervening private owner, lease, or time sharing arrangement, and the aircraft has not been used in any pilot school and/or other commercial operation.
- (t) “Person” means an individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity, and includes a trustee, receiver, assignee, or other similar representative of any of them.
- (u) “Priority Part” means each part or assembly in an FAA or DCA-approved design, that, if it were to fail, could reasonably be expected to cause an unsafe condition in an aircraft, aircraft engine, or propeller.
- (v) “Product” see (d) Civil Aeronautical Product.
- (w) “Production Quality System” means a systematic process which meets the requirements of the exporting authority and ensures that products, parts, and appliances will conform to the approved design and will be in a condition for safe operation.
- (x) “Special Condition” means an additional airworthiness standard(s) prescribed by the FAA or DCA when the standards for the category of product do not contain adequate or appropriate safety standards due to novel or unusual design features. Special Conditions contain such safety standards as the FAA or DCA finds necessary to establish a level of safety equivalent to that established in the applicable regulations.

(y) “Supplier” means a person at any tier who contracts to provide a part, appliance, special process, or service to a product manufacturer to be incorporated into the manufacture of a product, part, or appliance.

(z) “Used Aircraft” means an aircraft that is not a new aircraft, as defined in paragraph (s) above.

(aa) “Validation” means the importing authority’s process for type certification or equivalent of a product certificated by either the FAA or DCA, as exporting authorities.

SECTION II SCOPE OF THESE IMPLEMENTATION PROCEDURES

2.0 General. These Implementation Procedures cover the products, parts, and appliances identified below, their approvals, and the provisions set forth in the following paragraphs.

2.1 Products, Parts, and Appliances Manufactured in the Country of the Exporting Authority Accepted for Import Under These BASA Implementation Procedures.

2.1.0 Malaysian Acceptance of FAA Export Certificates of Airworthiness for the Following Products:

- (a) New and used aircraft,
- (b) New aircraft engines, and
- (c) New propellers.

See Summary Table 1, at the end of this Section, for a listing of the classes and categories of U.S. products and associated approvals eligible for import into Malaysia.

2.1.1 Malaysian Acceptance of FAA Airworthiness Approval Tags for the Following Appliances and Parts:

- (a) New TSO appliances, and
- (b) New parts that are eligible for installation in a product or appliance which has been granted a DCA design approval and that conform to DCA approved design data. This includes:
 - (1) Replacement parts for all products and appliances, regardless of the State of Design; and
 - (2) Modification parts for all products and appliances, regardless of the State of Design.

See Summary Table 1, at the end of this Section for a listing of the classes and categories of U.S. appliances, parts and associated approvals eligible for import into Malaysia.

2.1.2 U.S. Acceptance of DCA Export Certificates of Airworthiness for the Following Products:

- (a) New small airplanes, having a passenger configuration, excluding pilot seats, of nine or less, and a maximum certificated takeoff weight of 12,500 pounds;
- (b) Used small airplanes of a Malaysia design, having a passenger configuration, excluding pilot seats, of nine or less, and a maximum certificated takeoff weight of 12,500 pounds.

2.1.3 U.S. Acceptance of DCA Authorised Release Certificates/Airworthiness Approval Tags for the Following Appliances and Parts:

- (a) New TSO appliances that meet the performance standards of a U.S. Technical Standard Order (TSO) under an FAA letter of TSO design approval, and
- (b) Replacement parts for the aircraft and appliances listed in paragraphs 2.1.2 and 2.1.3.

See Summary Table 2, at the end of this Section, for a listing of the classes and categories of Malaysian appliances, parts, and associated approvals eligible for import into the United States.

2.1.4 Airworthiness Certification. These Implementation Procedures for design approval apply to such aircraft type designs to be type certificated by the FAA or DCA for standard category airworthiness certification. Standard airworthiness certificates are issued in the normal, utility, acrobatic, commuter, and transport categories of aircraft, as well as for manned-free balloons and special classes of aircraft which include airships, very light aircraft (VLA), gliders, and other non-conventional aircraft. Aircraft intended for a special airworthiness certificate will be dealt with on a case-by-case basis through the special arrangements provision in Section V of this document.

2.2 Acceptance of Used Aircraft Manufactured in Third Countries. [Reserved]

2.3 Provisions for Environmental Testing and Approvals.

2.3.0 Malaysian Acceptance of FAA Findings for the Following Environmental Requirements:

- (a) Noise certification requirements for subsonic transport category large airplanes and subsonic turbojet powered airplanes;

- (b) Noise certification requirements for propeller-driven small airplanes and propeller-driven commuter category airplanes;
- (c) Noise certification requirements for helicopters; and
- (d) Fuel venting and exhaust emissions certification requirements for turbine powered airplanes.

2.3.1 U.S. Acceptance of DCA Findings for Environmental Requirements.
[Reserved]

2.4 Provisions for Location of Product or Part Production. [Reserved]

2.5 Provisions for Technical Assistance. The scope of all technical activities between the FAA and DCA are specified in Section IV.

2.6 Provisions for Special Arrangements. These Implementation Procedures provide for designated officials within the FAA and DCA to make special arrangements -- with respect to design approval, production activities, export airworthiness approval, post design approval, or technical assistance -- in unique situations which have not been specifically addressed in these Implementation Procedures, but which are anticipated by the BASA. All special arrangements between the authorities are listed in Appendix C.

2.7 Summary Tables. The following tables summarize the new products, appliances, and parts manufactured in the United States or Malaysia that are eligible for import under these Implementation Procedures.

TABLE 1
Summary of
U.S. Products, Appliances, and Parts and Associated FAA Approvals
Eligible for Import into Malaysia.

	Type Certificate, and Amendments	Supplemental Type Certificate	Technical Standard Order Authorization	Parts Manufacturer Approval
Airplanes in the following categories:				
Normal	✓	✓		
Utility	✓	✓		
Acrobatic	✓	✓		
Commuter	✓	✓		
Transport	✓	✓		
Rotorcraft in the following categories:				
Normal	✓	✓		
Transport	✓	✓		
Manned Free Balloons	✓	✓		
Engines	✓	✓		
Propellers	✓	✓		
Aircraft in Special Classes:				
Airships	✓	✓		
VLA	✓	✓		
Gliders	✓	✓		
Powered Lift	✓	✓		
TSO / Appliances			✓	
Replacement and Modification Parts for the above airplanes, rotorcraft, balloons, engines, propellers, special class aircraft, and articles / appliances	✓	✓ (Need a PMA for production)	✓	✓

Note: Aircraft certified in the primary, provisional, and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

TABLE 2
Summary of
Malaysian Products, Appliances, and Parts and Associated DCA Approvals Eligible for
Import into the United States.

	Type Certificate, and Amendments	Supplemental Type Certificate	Declaration of Design and Performance
New and used airplanes, having a passenger configuration, excluding pilot seats, of nine or less, and a maximum certificated takeoff weight of 12,500 pounds in the following categories:			
Normal	✓		
Utility	✓		
Acrobatic	✓		
Commuter			
Transport			
Rotorcraft in the following categories:			
Normal			
Transport			
Manned Free Balloons			
Engines			
Propellers			
Aircraft in Special Classes:			
Airships			
VLA	✓		
Gliders			
Powered Lift			
Articles / Appliances			✓
Replacement Parts for the above airplanes, and articles / appliances	✓		✓

Note: Aircraft certified in the primary, provisional, and restricted categories will be dealt with on a case-by-case basis through the special arrangement provision in Section V.

SECTION III ESTABLISHED WORKING PROCEDURES

3.0 DESIGN APPROVAL PROCEDURES

3.0.0 General.

3.0.0.0 United States.

(a) An FAA type certificate is required for issuance of a U.S. standard airworthiness certificate, and an FAA design approval is required for changes in type design, major alterations, and for issuance of FAA Letters of TSO Design Approval. The FAA will, to the maximum extent allowed by the regulations, assign a higher priority to applications for type design approvals for products to be imported into the U.S. The FAA normally does not grant design approvals for products manufactured outside of the U.S. that are not intended for the utilization in the U.S., except for engines, propellers, appliances, and items of equipment to be incorporated into the designs of U.S.-manufactured products. Malaysian applicants for U.S. design approval should provide evidence with the application that the product will be imported into the U.S.

(b) The FAA will generally conduct a validation program on the product in order to make a finding of compliance and issue the U.S. Type Certificate. This validation program will be conducted in accordance with the procedures in FAA Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States*. The validation program is initiated by an application and normally entails a familiarization briefing by the applicant, the establishment of the certification basis by the FAA, a technical information exchange in the form of data, specialist meetings, and/or the development of issue papers, and finally, the issuance of the design approval. The design approval issued by the FAA is based to the maximum extent practicable on the technical evaluations, tests, inspections, and compliance certifications made by the DCA.

(c) Since the FAA relies heavily on the DCA's understanding of the FAA's position on issues, it is imperative that the DCA be included in all aspects of the validation program. Also, the FAA will normally seek the DCA's opinions before significant issues are resolved and, accordingly, may postpone a meeting with the applicant to discuss and resolve technical issues until the DCA is adequately represented at the meeting. Similarly, correspondence will usually be answered through, coordinated with, or copied to the DCA.

(d) Close cooperation between the FAA and DCA is necessary to provide for effective management of the validation program and for the most cost effective utilization of resources. Detailed instructions and further background information for each of the following steps can be found in FAA

Advisory Circular 21-23, Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States.

3.0.0.1 Malaysia.

(a) A DCA type design approval for a product is a prerequisite for issuance of a Malaysian airworthiness certificate and to permit a related product (aircraft engines and propellers) and appliances to be installed on an aircraft having a Malaysian airworthiness certificate.

(b) Applications for design approval will only be considered when there is a likelihood that the aircraft will be acquired by a Malaysian owner/operator. Therefore, an application for Malaysian registration of the aircraft concerned should be processed or the prospective Malaysian owner/operator should discuss their needs with the DCA.

(c) The process of DCA design approval for imported aeronautical products is based on a process of validation, and such procedures are reflected in DCA Airworthiness Notice No. 1 (*Certification of Aircraft*) and Appendix No. 1 to Airworthiness Notice No. 1 (*Certification of Aeronautical Products of United States Origin Imported from USA*).

3.0.1 Design Approval Procedures for U.S. Type Certificates.

3.0.1.0 Application for U.S. Type Certification.

(a) An application for U.S. Type Certificate (TC), in accordance with 14 CFR § 21.15, from an applicant in Malaysia should be sent to the DCA. The DCA should ensure the application has the following information:

- (1) The DCA Type Certificate and Type Certificate Data Sheet (TCDS), if available, a definition of the national airworthiness and environmental standards upon which the DCA design approval was (or is to be) based, and the amendment level of the U.S. airworthiness and environmental standards the DCA believes to be satisfied by its own standards; and
- (2) A planning date for FAA type certification.

(b) Also, the application should contain the following, if known at the time of application:

- (1) A description of all novel or unusual design features known to the applicant or DCA at the time of application which might necessitate issuance of FAA special conditions under 14 CFR

§ 21.16, or which might require a special review of acceptable means of compliance;

- (2) All known or expected exemptions or equivalent level of safety findings relative to the DCA's national standards for design approval that might affect compliance with the applicable U.S. airworthiness and environmental standards; and
- (3) Available information on U.S. market potential, including specific customers and U.S. content of the product, if known.

(c) The DCA should forward the application to the FAA Aircraft Certification Service Small Airplane Directorate in Kansas City, Missouri. Appendix A contains a list of addresses for the FAA Aircraft Certification Service Directorates.

(d) If the application is for a product which is of a level of complexity that has not been previously certificated by the DCA, the DCA should notify the FAA. This notification should be made as soon as the DCA becomes aware of this type of pending application, so that the FAA may plan the scope of its validation program.

3.0.1.1 Familiarization Meeting.

(a) The DCA will arrange a familiarization meeting between the FAA, DCA, and the applicant to discuss the validation program, the proposed domestic (Malaysian) certification basis, and all novel or unusual features of the product.

(b) At this meeting the FAA will work to establish the U.S. type certification basis and the means of compliance for the product under application by determining the U.S. airworthiness and environmental standards that would be applied to a similar product if it were to be produced in the United States. The extent to which these activities are accomplished at the meeting will depend on the FAA's familiarity with the product and applicant, the applicant's familiarity with the FAA's process and, in general, the overall preparedness of all parties.

3.0.1.2 Establishment of a Project Certification Team. An important consideration that should be addressed at the familiarization meeting is the composition of the Project Certification Team of the DCA. The composition of the team should include specialist representation to cover the technology level of the certification project. The FAA and the DCA will mutually agree on a plan to assure adequate compliance finding capability. The FAA will notify the DCA of its Project Manager.

3.0.1.3 Establishment of U.S. Type Certification Basis.

(a) New type certificates. The FAA will develop the certification basis using:

- (1) For type designs that do not hold an approval from the DCA, the applicable airworthiness standards in effect on the date the application is made to the FAA; or
- (2) For type designs that hold an approval from the DCA, the applicable airworthiness standards in effect on the date the application was made to the DCA for a domestic TC.

(b) Additional requirements.

- (1) In general, the FAA may require the applicant to comply with additional technical conditions in the interest of safety. These requirements may include actions deemed necessary for continued safe operation in the United States as a result of service history and actions taken by the DCA to correct unsafe conditions.
- (2) The FAA will review all novel and unusual design features for development of special conditions. The FAA will work closely with the DCA in the development of special conditions and exemptions providing the DCA and the applicant an opportunity to comment on the proposal.

(c) Environmental (Type) Certification Basis. The regulatory basis for compliance with 14 CFR Parts 34 and 36 is the effective amendment on the date of FAA certification. An applicant for a TC or STC must show that the aircraft meets the applicable airworthiness standards, special conditions, fuel venting and exhaust emission standards of 14 CFR Part 34 and the noise standards of 14 CFR Part 36.

3.0.1.4 Agreement of Certification Criteria. The DCA should review the FAA's proposed U.S. type certification basis and notify the FAA Project Manager of the proposed means of compliance. If the DCA chooses to use its domestic airworthiness and environmental standards, the FAA will start the process of developing additional technical conditions such that the U.S. type certification basis can be met. The FAA will coordinate with the DCA in the development of additional technical conditions to allow the FAA to benefit from the technical expertise of the DCA and, if requested by the FAA, allows the DCA to make a proper determination of compliance.

3.0.1.5 Data Submittal & Design Review. In order to find compliance with additional technical conditions, special conditions, or equivalent levels of safety, the FAA may make written requests for data to the DCA. The DCA, in responding to such requests, should verify that the data provided has been reviewed and, if required, approved by the DCA. Compliance documentation (e.g., certification test plans and reports, flight test plans and reports, system safety assessments, data substantiation reports) should be complete and detailed enough for the authorities to determine whether compliance has been made to the regulations.

3.0.1.6 Technical Meetings.

(a) In addition to the initial familiarization meeting, other technical meetings may be necessary to ensure that any additional technical conditions that have been communicated to the DCA are well understood, and that any outstanding technical issues are resolved. These meetings should be held as early as possible in the certification process in order to permit timely design changes. All technical meetings will normally be arranged through the DCA and will normally have both authorities' representatives in attendance.

3.0.1.7 Issue Papers.

(a) The FAA will prepare issue papers which identify the certification basis and other items such as unique import requirements, acceptable means of compliance, equivalent level of safety findings, and special conditions. However, when the FAA's and DCA's positions are equivalent, the DCA's issue papers may be used directly by the FAA in lieu of an FAA issue paper. Nevertheless, the FAA must process its own issue papers which address resolution of certification issues.

(b) The FAA will coordinate all issue papers and changes to issue papers with the DCA. Such coordination will expedite the timely and mutually acceptable resolution of certification issues.

3.0.1.8 Environmental Testing and Approval Procedures.

(a) The FAA is authorized to make findings of compliance to 14 CFR Parts 34 and 36 based upon FAA witnessed tests, conducted in accordance with FAA approved test plans, and based upon FAA review and approval of all data and compliance demonstration reports submitted via the DCA.

(b) Environmental Testing and Approval Process. The typical process for environmental testing and approvals includes the following:

- (1) Environmental (noise, fuel venting, and exhaust emissions) certification compliance demonstration plans must be submitted to the FAA for review, comment, and concurrence prior to undertaking certification testing.
- (2) Information and data must be supplied to the FAA in order to conduct a finding in accordance with the Noise Control Act of 1972 (P.L. 92-574). The FAA, before issuing an original type certificate for any aircraft of any category, must assess the extent of noise abatement technology incorporated into the type design and determine whether additional noise reduction is achievable. This examination must be initiated as soon as possible after the application for type certification in each original type certification project and reflect noise reduction potentials that become evident during the design and certification process.
- (3) Information and data must be supplied to the FAA in order to conduct an evaluation and audit of the measurement and analysis methods and practices, and data correction procedures of the applicant for aircraft noise certification under 14 CFR Part 36, Subpart B and/or Subpart H.
- (4) Compliance demonstration aircraft noise test plans and engine exhaust emissions test plans to be used for demonstrating certification compliance must be submitted to the FAA for review and comment, and subsequent approval not less than 90 days prior to commencing testing.
- (5) Proposed equivalent procedures to be used during testing, data processing, data reduction, and data analysis must be specifically identified to the FAA and approved in advance by the FAA as part of items (1) and (4).
- (6) Compliance demonstration tests must be witnessed by FAA personnel or FAA designated engineering representatives. Prior to the start of testing, it is necessary to assure the conformity of the test article (aircraft or engine configuration) to that identified in the FAA approved compliance demonstration test plans.
- (7) Compliance demonstration reports must be submitted to the FAA for review and comment and subsequent approval prior to type certification approval.

3.0.1.9 Final Certification Meeting/Issuance of the Type Certificate. Upon issuance of its domestic TC and demonstrated compliance with the U.S.

Type Certification Basis, the DCA shall forward a certifying statement to the FAA, in accordance with 14 CFR § 21.29, along with all additional requested materials. The FAA, upon receipt and review of the documents, will prepare the TC and TC Data Sheet and forward them to the DCA for transmittal to the applicant. A final meeting would only be necessary if there were areas of further discussion or if the sharing of information would be beneficial.

3.0.2 Design Approval Procedures for Malaysian Type Certificates.

(a) The procedures for certification of U.S. aeronautical products imported into Malaysia are detailed in Appendix 1 to DCA Airworthiness Notice No.1, *Certification of Aircraft*.

(b) Class I, II, and III products must comply with the requirements of 14 CFR part 21, subpart L. In addition, aircraft must be eligible for the issuance of a standard airworthiness certificate as prescribed in 14 CFR part 21, subpart H unless otherwise agreed to by the DCA.

3.0.3 Design Approval Procedures for U.S. Supplemental Type Certificates. [Reserved].

3.0.4 Design Approval Procedures for Malaysian Supplemental Type Certificates. [Reserved].

3.0.5 Design Approval Procedures for FAA Letters of Technical Standard Order (TSO) Design Approval.

3.0.5.0 Application. The FAA only issues a letter of TSO design approval for appliances of a kind for which a minimum performance standard has been published in an FAA Technical Standard Order (TSO). All Malaysian applicants for an FAA letter of TSO design approval shall make application through the DCA with a request that the application and required information be forwarded to the Los Angeles Aircraft Certification Office at the address indicated in Appendix A. The DCA should contact the FAA for the latest FAA technical policy and procedures whenever the DCA receives an application for an FAA letter of TSO design approval to a TSO performance standard for which the DCA has not previously made compliance findings.

3.0.5.1 Issuance of a Letter of TSO Design Approval. The appropriate form of TSO design approval, within the Scope of these Implementation Procedures, may be issued to the applicant by the FAA after:

- (a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO appliance;
- (b) Receipt of other specific technical data, as jointly agreed between the DCA and the FAA, needed to demonstrate compliance with a TSO (e.g., a first-of-a-kind TSO);
- (c) Receipt and approval of any proposed deviations; and
- (d) Receipt of a certifying statement from the applicant through the DCA, with certification by the DCA, that the performance of the appliance or article complies with the applicable FAA TSO or other accepted standards of the FAA which provide an equivalent level of safety.

3.0.5.2 Installation Approval. An FAA Letter of TSO Design Approval does not constitute an installation approval for the TSO appliance on an aircraft. The installer must obtain installation approval from the authority for use on an aircraft registered to that authority.

3.0.6 Design Approval Procedures for DCA Declaration of Design and Performance.

3.0.6.0 Application. The DCA issues a Letter of Declaration of Design and Performance (DDP) Approval for appliances of a kind for which a performance standard has been published in an FAA Technical Standard Order (TSO).

3.0.6.1 Issuance of a Letter of Approval for Product Defined in the DDP. The appropriate form of design approval, within the limits of the Scope of these Implementation Procedures, may be issued to the applicant by the DCA after:

- (a) Receipt of all the required data/documentation pertaining to the proper installation, performance, operation, and maintenance of the TSO appliance;
- (b) Receipt of other specific technical data, as jointly agreed between the DCA and the FAA, used to demonstrate compliance with a TSO, such as a first-of-a-kind TSO, or unique applications of a TSO appliance;
- (c) Receipt and approval of any proposed deviations; and
- (d) Receipt of a certifying statement from the applicant through the FAA, with certification by the FAA, that the performance of the appliance or article complies with the applicable TSO.

3.0.6.2 Installation Approval. A DCA Letter of DDP Approval does not constitute an installation approval for the TSO appliance on an aircraft. The applicant/installer must obtain installation approval from their national civil aviation authority for use on a U.S. or Malaysian-registered aircraft.

3.0.7 Joint Design Approval Procedures. The FAA and DCA may undertake concurrent type/validation and other design approval projects with respect to products covered by the Scope of these Implementation Procedures when it is in the interest of both authorities and their aviation industries. The procedures for such projects will be mutually agreed by the FAA and DCA.

3.1 PRODUCTION AND SURVEILLANCE ACTIVITIES

3.1.0 Production Quality Assurance/Control System Approval. All products, appliances, and parts exported under the provisions of these Implementation Procedures shall be produced in accordance with a production quality assurance/control system which assures conformity to the approved design of the importing authority and ensures that completed products are in a condition for safe operation. This production quality assurance/control system covers the fabrication of products, parts, and appliances within and outside of the country of export. When these fabrication and/or production activities occur outside the country of export, the associated products or parts shall be considered as being manufactured in the exporting country.

3.1.1 Surveillance of Production Approval Holders.

3.1.1.0 The FAA and DCA, as exporting authorities, shall conduct regulatory surveillance of production approval holders and their suppliers in accordance with the exporting authority's specific policies, practices, and/or procedures. Both ongoing and scheduled evaluations should be conducted to verify that the production approval holder is in continual compliance with their approved production quality assurance/control system, manufacturing products and parts which fully conform to the approved design, and are in a condition for safe operation. The correction of any deficiencies should be verified by the exporting authority.

3.1.1.1 Production surveillance includes the surveillance of manufacturers and their suppliers who may be fabricating prototype or pre-production parts for products which are still undergoing type certification. These parts must be produced by the manufacturer, or its approved supplier, with the concurrence of the exporting authority, using an existing approved production quality assurance/control system for similar type certificated products. The approved production quality assurance/control system must

ensure the prototype or pre-produced parts are properly controlled so that a final determination of airworthiness can be undertaken prior to their export.

3.1.1.2 FAA production approval and supplier surveillance programs are described in FAA Order 8120.2, *Production Approval and Surveillance Procedures*, Advisory Circular 21-20, *Supplier Surveillance Procedures*, and FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program*.

3.1.1.3 DCA production approval and supplier surveillance programs are based on the British/Joint Aviation Authorities system of organizational approvals. DCA uses the British Civil Aviation Requirements (BCARs) as guidance during the conduct of organizational approval audits. Annual audits are also conducted of each approved organization in accordance with Airworthiness Division Manual ADM-B-4-1.

3.1.2. Extensions of Production Approvals.

3.1.2.0 When a production approval has been granted or extended by the FAA or DCA, as exporting authorities, to include manufacturing sites and facilities in each other's countries or in a third country, the exporting authority remains fully responsible for the routine surveillance and oversight of these manufacturing sites and facilities.

3.1.2.1 The FAA is responsible for surveillance and oversight of U.S. production approval holders located in Malaysia. Routine surveillance and oversight may be performed by the DCA on behalf of the FAA through the provisions of Section IV. The DCA is responsible for surveillance and oversight of DCA production approval holders located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the DCA through the provisions of Section IV.

3.1.2.2 The FAA or DCA may seek assistance from a civil airworthiness authority of a third country in the undertaking of FAA or DCA regulatory surveillance and oversight functions when a production approval has been granted or extended in that third country. This should be done only when an arrangement for technical assistance has been formalized between the FAA or DCA and the civil airworthiness authority of the third country.

3.1.3 Production Approval Based on a Licensing Agreement. Either the FAA or DCA can grant a production approval in their respective country based on design data obtained through a licensing agreement (i.e., licensing the rights to use the design data). In this case, the authority granting that production approval shall ensure the establishment of adequate manufacturing processes and quality control procedures to assure that each product manufactured conforms to the approved licensed design data. There must also be procedures to ensure that all changes to be introduced into the design by the licensee are approved. These design changes shall be

submitted to the type design holder who shall obtain approval from its authority using normal procedures. These production approvals based on a licensing agreement will be addressed on a case-by-case basis under the Special Arrangements provision of Section V.

3.1.4 Supplier Surveillance - Outside the Exporting Country.

3.1.4.0 The FAA and DCA, as exporting authorities, shall include in their regulatory surveillance and oversight programs a means of surveilling suppliers to their production approval holders, which are located outside the exporting country. This surveillance and oversight shall be equivalent to that program for domestic suppliers. This surveillance activity will assist the FAA and DCA in determining conformity to approved design and whether parts are safe for installation on type certificated products.

3.1.4.1 The FAA is responsible for routine surveillance and oversight of U.S. production approval holders' priority parts suppliers located in Malaysia. Routine surveillance and oversight may be performed by the DCA on behalf of the FAA through the provisions of Section IV. The DCA is responsible for surveillance and oversight of DCA production approval holders' suppliers located in the United States. Routine surveillance and oversight may be performed by the FAA on behalf of the DCA through the provisions of Section IV.

3.1.4.2 The FAA or DCA may seek assistance from a third country civil airworthiness authority at the supplier's location in the undertaking of FAA or DCA regulatory surveillance and oversight functions at suppliers to production approval holders of the exporting country. This should only be done when an arrangement for technical assistance has been formalized between the FAA or DCA and the civil airworthiness authority of the third country.

3.1.4.3 The production approval holder may not use a supplier in a country where the authority of the production approval holder is denied unimpeded access, by either the supplier or the supplier's civil airworthiness authority, to the supplier's facility to perform surveillance activities. The production approval holder also may not use a supplier located in a country if that country denies entry to the authority of the production approval holder.

3.1.5 Multi-National Consortia.

3.1.5.0 Multi-national consortia may be issued approvals for the design and production of products, appliances, and/or parts in either the United States or Malaysia. These consortia must clearly define one responsible design and production approval holder, for the purposes of regulatory accountability, located in the exporting country. There may be, however,

major suppliers to those approval holders which are located both domestically and in other countries which produce priority parts for use in the final product which is to be exported.

3.1.5.1 The FAA and DCA, as exporting authorities, shall continue to conduct regulatory surveillance and oversight of the domestic design and production approval holder, and should emphasize surveillance and oversight of priority parts suppliers. The exporting authority shall use its regulatory surveillance and oversight programs to best enable it to determine that consortia suppliers are producing parts that conform to the approved design and are in a condition for safe operation.

3.2 EXPORT AIRWORTHINESS APPROVAL PROCEDURES

3.2.0 General. Export Certificates of Airworthiness are issued by the FAA and DCA, as exporting authorities, for completed aircraft, aircraft engines, and propellers. Airworthiness approval tags are issued by the FAA and DCA for articles, appliances, and parts.

3.2.1 FAA Acceptance of DCA Export Certificates of Airworthiness and Authorised Release Certificate/Airworthiness Approval Tags.

(a) The FAA's requirements for import are described in FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*, and Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported to the United States*.

(b) The DCA's export certificates are issued in accordance with the requirements of Airworthiness Notice No. 1 Appendix 2 and Airworthiness Division Manual ADM-C-1-3. Additional guidance on the use of DCA airworthiness release tags is found in Airworthiness Notice No. 29, *The Acceptance of Aircraft Components for Aircraft with a Certificate of Airworthiness*.

3.2.1.0 New Aircraft.

(a) Except as provided in paragraph 3.2.1.4, the FAA shall accept the Export Certificate of Airworthiness of the DCA on new aircraft, as identified in Section II, only when the DCA certifies that each aircraft:

- (1) Conforms to a type design approved by the FAA, as specified in the FAA's type certificate data sheet, and any additional supplemental type certificates approved by the FAA;
- (2) Is in a condition for safe operation, including compliance with

applicable FAA mandatory airworthiness modifications and special inspections; and

(3) Meets any additional requirements of the FAA, as notified.

(b) Each aircraft exported to the U.S. with DCA airworthiness approval will have a DCA Certificate of Airworthiness for Export issued in accordance with the requirements of Airworthiness Notice No. [1 Appendix B and ADM-C-103, Certificate of Airworthiness for Export](#).

(c) For aircraft, the DCA Certificate of Airworthiness for Export should contain the following statement: "The [INSERT AIRCRAFT MODEL & SERIES] covered by this certificate conforms to the type design approved under U.S. Type Certificate Number [INSERT TYPE CERTIFICATE NUMBER, REVISION LEVEL, AND DATE], and is found to be in a condition for safe operation."

3.2.1.1 New TSO Appliances. Each new appliance exported to the United States with a DCA airworthiness approval will have a DCA Authorised Release Certificate/Airworthiness Approval Tag. The FAA shall accept DCA airworthiness approval tags on new appliances, as identified in Section II, only when the DCA certifies that each TSO appliance:

(a) Conforms to the design approved by the FAA, as specified in the FAA Letter of TSO Design Approval;;

(b) Complies with applicable FAA Airworthiness Directives, as notified;

(c) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and

(d) Meets all additional requirements of the FAA, as notified.

3.2.1.2 New Parts, Including Replacement Parts.

(a) Each new part exported to the United States with a DCA airworthiness approval will have a DCA Authorised Release Certificate/Airworthiness Approval Tag. The FAA shall accept these DCA Authorized Release Certificate/ Airworthiness Approval Tags on new airplane and TSO article replacement parts. The DCA shall certify, by issuance of DCA Form ARC/AAT, that each part:

(1) Is eligible for installation in a product or appliance which has been granted an FAA design approval;

- (2) Conforms to FAA-approved design data and is safe for installation;
- (3) Is marked in accordance with paragraph 3.2.3.0(a) of these Implementation Procedures; and
- (4) Meets all additional requirements of the FAA, as notified.

(b) The FAA must be provided evidence of direct shipment authorizations extended to an approved supplier. If a part is shipped under direct ship authorization, the DCA's airworthiness approval tags must indicate that the production approval holder has authorized direct shipment. This indication may be a supplemental "remark" entry on the airworthiness approval tag indicating the authorization to the supplier by the design approval holder for direct shipment of parts from the supplier's location.

3.2.1.3 Used Aircraft for Which There Has Been a Design Approval Granted by the FAA.

(a) The FAA shall accept Export Certificates of Airworthiness on used small airplanes for which either the United States or Malaysia is the State of Design, as identified in Section II, for import into the U.S. for airworthiness certification when the DCA certifies that each used aircraft:

- (1) Conforms to the FAA-approved type design as specified in the FAA's type certificate data sheet, and any additional supplemental type certificates approved by the FAA, as notified;
- (2) Is in a condition for safe operation, including compliance with all applicable Airworthiness Directives issued by the FAA, as notified;
- (3) Has been properly maintained using approved procedures and methods during its service life (evidenced by logbooks and maintenance records);
- (4) Meets all additional requirements prescribed by the FAA, as notified; and
- (5) The DCA Certificate of Airworthiness for Export includes the statement in paragraph 3.2.1.0(c).

(b) The FAA may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the original Certificate of Airworthiness for Export issued by the 'DCA; records

which verify that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.1.4 Export Certificate of Airworthiness Exceptions. The DCA shall notify the FAA's geographic-responsible Manufacturing Inspection Office (MIO) prior to issuing a Certificate of Airworthiness for Export in which a non-compliance to the FAA-approved type design is to be noted under the "Exceptions" section of the Certificate of Airworthiness for Export. Addresses for all FAA MIOs are listed in Appendix A. This notification should help to resolve any issues concerning the aircraft's eligibility for a U.S. airworthiness certificate. A written acceptance from the FAA is required before the issuance of the DCA Certificate of Airworthiness for Export.

3.2.2 DCA Acceptance of FAA Export Certificates of Airworthiness and Certificates of Airworthiness for Export (Airworthiness Approval Tags).

- (a) The DCA's requirements for import are documented in Appendix 1 to DCA-M Airworthiness Notice No.1.
- (b) The FAA's process of issuing export certificates are described in 14 CFR Part 21 and FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Parts*, FAA Order 8130.21, *Procedures for Completion and Use of FAA Form 8130-3, Airworthiness Approval Tag*, and FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*.

3.2.2.0 New Aircraft, Aircraft Engines, and Propellers.

Each new aircraft, aircraft engine and propeller exported to Malaysia with an FAA [airworthiness approval will have an](#) Form 8130-4, Export Certificate of Airworthiness, issued in accordance with the requirements of 14 CFR Subpart L.

3.2.2.1 New TSO Appliances.

- (a) The DCA shall accept the airworthiness approval tags of the FAA on appliances only when the FAA certifies that each appliance:
 - (1) Meets the applicable TSO requirements of the DCA;
 - (2) Complies with applicable DCA mandatory airworthiness modifications and special instructions;

(3) Is marked in accordance with paragraph 3.2.3.1(a) of these Procedures; and

(4) Meets any additional requirements of the DCA, as notified.

(b) Each new appliance exported to Malaysia will have an FAA Form 8130-3, *Export Airworthiness Approval Tag*.

3.2.2.2 New Parts, Including Modification and/or Replacement Parts.

(a) The DCA shall accept the airworthiness approval tag of the FAA for new parts, including modification and/or replacements parts, that have been produced by a U.S. production approval holder (i.e., under U.S. Type Certificate, Production Certificate, Technical Standard Order Authorization, or a Parts Manufacturer Approval).

(b) Each part exported to Malaysia will have an FAA Form 8130-3, *Export Airworthiness Approval Tag*.

3.2.2.3 Used Aircraft for Which There Has Been a Design Approval Granted by the DCA.

(a) The DCA shall accept Export Certificates of Airworthiness on used aircraft for which either the United States or Malaysia is the State of Design, as identified in Section II, for import into Malaysia for airworthiness certification when the FAA certifies that each used aircraft:

- (1) Conforms to the DCA-approved type design, as specified in the DCA's type certificate data sheet, and any additional supplemental type certificates approved by the DCA, as notified;
- (2) Is in condition for safe operation, including compliance with all applicable Malaysian and U.S. Airworthiness Directives, as notified;
- (3) Has been properly maintained using approved procedures and methods during its service life (evidenced by logbooks and maintenance records); and
- (4) Meets all additional requirements prescribed by the DCA, as notified.

(b) The DCA shall also accept the FAA Export Certificate of Airworthiness for used aircraft manufactured in a third country when that third country has a bilateral agreement with the FAA and DCA covering the same class of product, and the conditions of paragraph 3.2.2.3(a)(1) through (4) have been met.

(c) The DCA may also request inspection and maintenance records which include, but are not limited to: the original or certified true copy of the Export Certificate of Airworthiness issued by the FAA; verifying records which ensure that all overhauls, major changes, and major repairs were accomplished in accordance with approved data; and maintenance records and log entries which substantiate that the used aircraft has been properly maintained throughout its service life to the requirements of an approved maintenance program.

3.2.3 Additional Requirements for Imported Products, Parts, and Appliances. The following identifies those additional requirements that must be complied with as a condition of acceptance for products imported into the U.S. or Malaysia, or for use on either a U.S. or a Malaysian-registered aircraft.

3.2.3.0 U.S. Requirements.

(a) Identification and Marking.

- (1) Aircraft, aircraft engines, and propellers must be identified in a manner specified in 14 CFR § 45.11.
- (2) Each critical component of a product must be identified with a part number (or equivalent) and serial number (or equivalent) in accordance with 14 CFR § 45.14.
- (3) Each appliance of a design approved by an FAA letter of TSO design approval must be marked in accordance with the requirements outlined in 14 CFR Part 21, Subpart O, and any additional marking requirements specified in the particular TSO.
- (4) Each part to be used as a replacement part must be marked with a part number, serial number if applicable, and the manufacturer's name or trade mark. In addition, information concerning the model designation of the type certificated product for which the part is eligible for installation must be furnished.

(b) Instructions for Continued Airworthiness. Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections, as prescribed in 14 CFR § 21.50.

(c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in 14 CFR § 91.417.

3.2.3.1 Malaysian Requirements.

(a) Identification and Marking.

- (1) Aircraft, aircraft engines, and propellers must be identified in a manner outlined in DCA Airworthiness Notice No. 1, Appendix 2, with the information outlined in paragraph 2.8.
- (2) Each critical component of a product with a replacement time, inspection interval, or related procedure as specified in the Airworthiness Limitations Section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness, to be used as a spare or

replacement/modification part must be identified with a part number and serial number.

- (3) Each appliance of a design approved by a DCA Declaration of Design and Performance (DDP) must be marked in accordance with the requirements outlined in DCA Airworthiness Notice No. 1, Appendix 2 paragraph 3.8, and any additional marking requirements specified in the particular TSO. Approved deviations shall be marked by the holder of the TSO design approval on the TSO appliance or noted in attached limitations.

(b) Instructions for Continued Airworthiness. Each aircraft, aircraft engine, and propeller must be accompanied by instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitation sections outlined in DCA Airworthiness Notice 1 Appendix 2.

(c) Maintenance Records. Each aircraft, including the aircraft engine, propeller, rotor, or appliance, must be accompanied by maintenance records equivalent to those specified in MCAR Regulation 35 and the related Seventh Schedule.

3.3 DESIGNEE AND DELEGATION ACTIVITIES

3.3.0 General. The DCA recognizes the FAA's delegation and designee system as part of its overall aircraft certification system and understands that the DCA may interact directly with an individual designee or delegated organization of the FAA. Findings made by utilizing this system have the same validity as those made by the FAA.

3.3.1 Procedural Requirements for Acceptance of Design Data.

3.3.1.0 Acceptance by the FAA of Malaysian Design Data. [Reserved].

3.3.1.1 Acceptance by the DCA of U.S. Design Data. Design data produced by a 14 CFR § 21.21, type certificate holder is acceptable to the DCA if the type certificate holder is located in the U.S., and provided the data was produced to maintain that type certificate. Design data produced in support of a new design or changes to an existing design are acceptable to the DCA if the data is approved by either a designee or a delegated organization of the FAA.

3.3.2 Notification of Designee Work in Malaysia. In advance of designees or delegated organizations traveling to Malaysia to make determinations of

compliance, witness tests, and/or perform conformity inspections, the FAA Aircraft Certification office responsible for those designees will coordinate these actions with the DCA.

3.4 POST DESIGN APPROVAL PROCEDURES

3.4.0 Continued Airworthiness

3.4.0.0 General.

(a) The exporting authority is responsible as the State of Design (under International Civil Aviation Organization (ICAO) Annex 8) for resolving in-service safety issues related to design or production. The exporting authority shall provide applicable information which it has found to be necessary for mandatory modifications, required limitations and/or inspections to the importing authority to ensure continued operational safety of the product. The importing authority will review and normally accept the corrective actions taken by the exporting authority in the issuance of its own mandatory corrective actions.

(b) At the request of the importing authority, the exporting authority shall assist the importing authority in determining action considered necessary by the importing authority for the continued operational safety of the product, part, or appliance. The respective decision as to the final action to be taken lies solely with the importing authority.

3.4.0.1 Malfunctions, Failures, and Defects (MF&D) Reports.

(a) The FAA and DCA agree to perform the following functions for the products, articles, appliances, and parts exported from their countries:

- (1) Tracking of MF&D reports and accident/incidents.
- (2) Evaluating MF&D and accident/incidents.
- (3) Investigating and resolving all suspected unsafe conditions.
- (4) Advising the importing authority of all unsafe conditions and the necessary corrective actions (see paragraph 3.4.0.2 below).
- (5) Upon request, providing the importing authority with the following:
 - (i) Reports of MF&D and accidents/incidents;

- (ii) Status of investigations into MF&D and accidents/incidents;
 - (iii) Copies of conclusions reached in its investigation into accidents/incidents in accordance with ICAO Annex 13.
- (6) Making a reasonable effort to resolve issues raised by the importing authority concerning matters of safety for products registered in the importing country.
- (b) The FAA and DCA, as importing authorities, agree to perform the following functions:
 - (1) Advising the exporting authority of MF&D and accidents/incidents which are believed to be potentially unsafe conditions occurring on the products which are imported from the country of the exporting authority.
 - (2) Supporting the exporting authority in investigations of unsafe conditions and their occurrences on the imported aircraft.
 - (3) Advising the exporting authority, if as a result of investigations made by the importing authority into MF&D and accidents/incidents, it has determined that it will make certain corrective actions mandatory.
- (c) Copies of U.S. MF&D reports are available from the FAA Mike Monroney Aeronautical Center, Flight Standards Service Regulatory Support Division, Airworthiness Programs Branch. Copies of U.S. MF&D reports are also available on the Mike Monroney Aeronautical Center internet web site at <http://av-info.faa.gov/isdr>. Copies of Malaysian MF&D reports are available from Airworthiness Division, Department of Civil Aviation, Malaysia.

3.4.0.2 Unsafe Condition and Mandatory Continuing Airworthiness Actions.

- (a) The FAA (under 14 CFR Part 39) and DCA (under Airworthiness Notice No. 4 and Airworthiness Department Manual ADM-B-1-3) agree to perform the following functions for the products, articles, appliances, and parts exported from their country:
 - (1) Issuing a mandatory continuing airworthiness action (Airworthiness Directive) whenever the authority determines that an unsafe condition exists in a type certificated product or appliance, and is likely to exist or develop on a type certificate

product or appliance of the same type design. This may include a product or appliance that has another product, part, or appliance installed on it, and the installation causes the unsafe condition. The contents of such a mandatory continuing airworthiness action should include, but are not limited to, the following:

- (i) Make, model, and serial numbers of affected aircraft and parts;
 - (ii) Description of the unsafe condition, reasons for the mandatory action, and its impact on the overall aircraft and continued operation;
 - (iii) Description of the cause of the unsafe condition (e.g., stress corrosion, fatigue, design problem, quality control, unapproved part);
 - (iv) The means by which the unsafe condition was detected and, if resulting from in-service experience, the number of occurrences; and
 - (v) Corrective actions and corresponding compliance times, with a list of the relevant manufacturer's service information including reference number, revision number and date.
- (2) Ensuring that the following information is provided to the other authority as part of the mandatory continuing airworthiness action or directly from the approval holder:
- (i) The number of aircraft world-wide needing corrective action;
 - (ii) A statement on the availability of parts; and
 - (iii) An estimate of the number of labor hours and the cost of parts required for the corrective actions. (For Malaysia this data is included in the applicable service bulletin.)
- (3) Issuing a revised or superseding mandatory continuing airworthiness action whenever the exporting authority finds any previously issued mandatory continuing airworthiness action was incomplete or inadequate to fully correct the unsafe condition.

- (4) Notifying the importing authority of the unsafe condition and the necessary corrective actions by submitting a copy of the mandatory continuing airworthiness action at the time of publication to the address referenced in 3.4.0.1(c) above. Additionally, a copy of all relevant service bulletins referenced in the mandatory action, as well as other supporting documentation should be forwarded to the appropriate focal point in the product-responsible directorate.
- (5) In the case of emergency airworthiness information, the exporting authority should ensure special handling so that the importing authority is notified immediately.
- (6) Advising and assisting the importing authority in defining the appropriate actions for the importing authority to take in the issuance of its own mandatory continuing airworthiness action.
- (7) Providing sufficient information to the importing authority for its use in making determinations as to the acceptability of alternative means of compliance to mandatory continuing airworthiness actions.
- (8) On a quarterly basis, providing the importing authority a summary index list of mandatory continuing airworthiness actions issued by the exporting authority for products exported to the country of import.

(b) The FAA and DCA recognize that the authorities may disagree as to the finding of an unsafe condition. In that case, it is expected that the importing authority will consult with the authority of the State of Design (exporting authority) prior to issuing its own airworthiness directive.

(c) The FAA and DCA, as importing authorities, agree to respond quickly to the issuance of a mandatory continuing airworthiness action by the exporting authority in making its own determination of the need for issuing its own similar mandatory continuing airworthiness action that addresses all unsafe conditions on affected products certified, approved or otherwise accepted by the importing authority.

3.4.1 Design Changes

3.4.1.0 Procedures for Changes to a U.S. Type Certificate by the TC Holder.

(a) Major changes (e.g., model changes, product improvements, etc.) to a type design, sought by the type certificate holder, may be issued under the provision of 14 CFR Part 21, Section 21.29 or otherwise approved by the FAA. A certification procedure similar to that described in paragraph 3.0.1 shall be applied, with the exception of paragraph 3.0.1.3 pertaining to the establishment of the type certification basis. For amended type certificates, the FAA will develop the certification basis in accordance with FAA Order 8110.4, *Type Certification*, and 14 CFR § 21.101 and § 21.93(b) and (c). The FAA retains the right to determine if the proposed change is of such significance as to require a new type certificate for the changed type design.

(b) To assist the FAA in determining its level of activity with a specific design change, the DCA should notify the FAA of each major type design change proposed by the type certificate holder that would affect:

- (1) The Flight Manual;
- (2) The Approved Airworthiness Limitations;
- (3) The Type Certificate Data Sheet;
- (4) The Master Minimum Equipment List;
- (5) A Certification Maintenance Requirements; or
- (6) Any other specific items identified by the FAA.

Based on this information, the FAA will determine whether the changes can be considered approved by the FAA upon DCA's approval under its normal procedures.

(c) The DCA must notify the FAA whenever the certification basis of a proposed change includes a requirement where the FAA may exercise discretion in making the finding. This includes findings of equivalent level of safety, additional technical conditions, special conditions, and other requirements where the FAA exercises its judgment in making the finding.

(d) Minor design changes made by the type certificate holder shall be considered approved by the FAA upon approval by the DCA under its normal procedures.

(e) As specified in 14 CFR § 21.93, for the purpose of complying with 14 CFR Part 34, any voluntary change in the type design of an airplane or engine that may increase fuel venting or exhaust emissions is an "emissions change," requiring further demonstration of compliance. Likewise, for the

purpose of complying with 14 CFR Part 36, any voluntary change in the type design of an aircraft that may increase the noise levels of that aircraft is an “acoustical change”, requiring further demonstration of compliance.

3.4.1.1 Procedures for Changes to a Malaysian Type Certificate. For the DCA, procedures regarding changes to a Malaysian type certificate are described in Airworthiness Notice No. 1 Appendix 2 and Airworthiness Division Manual ADM-B-2-1, Type Certification of Aircraft, and ADM-B-3-1, Approval of Modification.

3.4.1.2 Procedures for Changes to a Flight Manual. The FAA and DCA may **request** the review and signature of revisions to flight manuals, supplements and appendices, on behalf of each other, in order to facilitate their timely approval. Minor revisions will be reviewed by the exporting authority on behalf of the importing authority, and the exporting authority will ensure that the data meet the importing authority’s requirements. Significant revisions must be submitted to the importing authority for review and acceptance before any signature on behalf of the importing authority. For an individual certification project, the exporting authority will consult with the importing authority when it decides which revisions are significant and which are minor.

3.4.1.3 Procedures for Changes to a Supplemental Type Certificate. The FAA and the DCA agree to follow the procedures in paragraphs 3.4.1.0 and 3.4.1.1 to the extent applicable. Where unique situations may occur, FAA and DCA will consult with each other on the specific process to be applied.

3.4.1.4 Procedures for Changes to a FAA Letter of TSO Design Approval for a Malaysian Manufacturer. Major changes to a TSO design require resubstantiation of the new design and reissuance of the Letter of TSO Design Approval/ Declaration of Design and Performance and shall be done in accordance with the procedures in paragraph 3.0.6. For minor changes, the DCA will forward a list of changes for TSO articles semi-annually to the FAA’s geographic-responsible office.

3.4.1.5 Procedures for Changes to a DCA Declaration of Design and Performance for a U.S. Appliance. Major changes to a TSO design require resubstantiation of the new design and reissuance of the Letter of Declaration of Design and Performance (DDP) Approval. For minor changes, the FAA will forward a list of changes for TSO articles semi-annually to the DCA.

3.4.2 Approval of Design Data Used in Support of Repairs

3.4.2.0 General. Design data used in support of repairs must be approved or accepted, as appropriate, by the exporting authority (State of Design).

Design data approved by the exporting authority in accordance with the procedures set forth below is considered to be approved by the importing authority.

3.4.2.1 FAA as Exporting Authority. Design data used in support of major repairs will be approved in accordance with FAA Order 8110.4, *Type Certification Process*, paragraph 19, c (3). Minor repairs are made in accordance with “acceptable” data, in accordance with 14 CFR Part 43.

3.4.2.2 DCA as Exporting Authority. Repair data for airplanes and TSO articles, defined in Section II, will be accepted in accordance with DCA Airworthiness Division Manual ADM-B-3-1, Approval of Modification..

3.4.3 Administration of Design Approvals

3.4.3.0 Transfer of U.S. Type Certificate to a Person in Malaysia.

(a) Upon transfer or an agreed-upon date, the DCA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products, and will notify all ICAO member countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The FAA will transfer to the DCA the ICAO State of Design responsibilities for type certificates only for products within the scope of these Implementation Procedures. The DCA will not assume ICAO State of Design responsibilities for models that have not been found to meet the DCA’s certification requirements.

(c) Upon notification of a transfer by a U.S. type certificate holder to a person in Malaysia, the FAA office that issued the type certificate will notify the DCA and establish procedures to transfer ICAO State of Design responsibilities for the type certificate to Malaysia. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority’s responsibilities in the transfer process.

(d) If a corresponding DCA type certificate already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on that DCA type certificate. For any FAA-certificated model not listed on the DCA type certificate, the FAA will if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable DCA certification requirements. This support would include the FAA’s statement of compliance that the model meets the DCA’s certification requirements. Upon acceptance, the DCA will place the additional model on the DCA type certificate.

(e) If the transferee of the type certificate applies for a DCA type certificate, the FAA will provide support to establish acceptance of the FAA type certificate as showing compliance to the applicable certification requirements of the DCA. This would include the FAA's statement of compliance that the product meets the DCA's certification requirements. Upon acceptance, the DCA will issue the DCA type certificate.

(f) The transfer of the ICAO State of Design responsibilities for the type certificate to the DCA will be considered complete when the DCA confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a type certificate holder.

(g) The FAA will reissue a type certificate in the name of the transferee after the DCA type certificate issuance, unless the new holder does not wish to maintain FAA approval.

(h) If the transferee does not hold and does not apply for a DCA type certificate, or if the transferee's DCA type certificate covers only some models covered by the FAA type certificate and the transferee does not apply for an additional approval, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the DCA. The FAA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the FAA.

3.4.3.1 Transfer of a Malaysian Type Certificate to a Person in the U.S.

(a) Upon transfer or an agreed-upon date, the FAA will become responsible for complying with the procedures of ICAO in Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected aircraft, and will notify all ICAO countries of the change in State of Design responsibility, upon completion of the procedures described below.

(b) The DCA will transfer to the FAA the ICAO State of Design responsibilities for type certificates only for products within the scope of these Implementation Procedures. The FAA will not assume ICAO State of Design responsibilities for models that have not been found to meet the FAA certification requirements.

(c) Upon notification of a transfer by a Malaysian type certificate holder to a person in the United States, the DCA will notify the FAA Office responsible for the new holder and establish procedures to transfer the ICAO State of Design responsibilities for the type certificate to the United States. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.

(d) If a corresponding U.S. type certificate already exists for the product, the transfer of ICAO State of Design responsibilities will apply to all models listed on the U.S. type certificate. For any DCA certificated model not listed on the FAA type certificate, the DCA will, if requested, provide support to establish acceptance of the additional model as showing compliance to the applicable FAA certification requirements. This support would include the DCA's statement of compliance that the model meets the U.S. certification requirements. Upon acceptance, the FAA will place the additional model on the FAA type certificate.

(e) If the transferee of the type certificate applies for an FAA type certificate, the DCA will provide support to establish acceptance of the DCA type certificate as showing compliance to the applicable certification requirements of the FAA. This would include the DCA's statement of compliance that the product meets the FAA's certification requirements. Upon acceptance, the FAA will issue the FAA type certificate.

(f) The transfer of the ICAO State of Design responsibilities for the type certificate to the FAA will be considered complete when the FAA confirms that all necessary data have been transferred to the new holder, and the new holder is able to perform the responsibilities required of a type certificate holder.

(g) The DCA will reissue a type certificate in the name of the transferee after the FAA type certificate issuance, unless the new holder does not wish to maintain DCA approval.

(h) If the transferee does not hold and does not apply for an FAA type certificate, or if the transferee's FAA type certificate covers only some models covered by the DCA type certificate and the transferee does not apply for an additional approval, the DCA will not transfer ICAO State of Design responsibilities for the applicable models to the FAA. The DCA will continue to fulfill State of Design responsibilities for those models only as long as an undue burden is not placed on the DCA.

(i) For products of a transferred type certificate to be eligible for import into the Malaysia, the applicant must apply for type certificate design approval through the FAA to the DCA per paragraph 3.0.2 of these Implementation Procedures.

3.4.3.2 Transfer of U.S. Supplemental Type Certificate (STC) to a Person in Malaysia.

- (a) The DCA will become responsible for complying with the requirements of ICAO Annex 8 to the Chicago Convention, *Airworthiness of Aircraft*, for affected products.
- (b) The FAA may transfer to the DCA the ICAO State of Design responsibilities for STCs for any product. The DCA will not assume ICAO State of Design responsibilities for models that have not been found to meet the DCA certification requirements.
- (c) Upon notification of a transfer by a U.S. STC holder to a person in Malaysia, the FAA office that issued the STC will notify the DCA and establish procedures to transfer the ICAO State of Design responsibilities for the STC to the DCA. Each transfer will be accomplished on a case-by-case basis through a special arrangement which identifies each authority's responsibilities in the transfer process.
- (d) If a corresponding DCA STC already exists for the changed product, the transfer will apply to the model listed on that DCA STC.
- (e) If the transferee of the STC applies for a DCA STC, the FAA will provide support to establish acceptance of the FAA STC as showing compliance to the applicable certification requirements of the DCA. This would include the FAA's statement of compliance that the changed product meets the DCA's certification requirements. Upon acceptance, the DCA will issue the DCA STC.
- (f) The transfer of the ICAO State of Design responsibilities for the STC to the DCA will be considered complete when the DCA confirms that all necessary data have been transferred to the new holder and the new holder is able to perform the responsibilities required of an STC holder.
- (g) The FAA will only reissue an STC in the name of the transferee after DCA STC issuance when it is for a Malaysian product that is eligible for import into the United States. If the transferee does not wish to maintain FAA approval, the FAA will not reissue the STC.
- (h) If the DCA has not issued the corresponding type certificate for the product being changed, or if the transferee does not hold and does not apply for an DCA STC for the same design change, the FAA will not transfer ICAO State of Design responsibilities for the applicable models to the DCA. The FAA will continue to fulfill ICAO State of Design responsibilities for the STC only as long as an undue burden is not placed on the FAA.
- (i) If the STC is installed on U.S.-registered aircraft, the FAA will retain a copy of the data package from the previous owner. Unless otherwise

agreed, the DCA will be responsible for the continued airworthiness of the STC produced and installed prior to and after transfer.

3.4.3.3 Transfer of DCA Supplemental Type Certificate to a Person in the U.S. [Reserved].

3.4.3.4 Surrender of Type Certificate or Supplemental Type Certificate. If a certificate holder elects to surrender a type certificate or supplemental type certificate issued by either the FAA or the DCA as the exporting authority, the FAA or DCA shall immediately notify the other in writing of the action. The FAA and DCA, as exporting authorities, shall accomplish all actions necessary to ensure continued airworthiness of the product, that would be done by a TC or STC holder until such time as:

- (a) The type certificate or supplemental type certificate is reissued to a new holder when that new holder demonstrates competence to fulfill the necessary obligations; or
- (b) The FAA or DCA, as the exporting authority, terminates the type certificate or supplemental type certificate. Prior to termination, the exporting authority shall notify the importing authority of the pending cancellation.

3.4.3.5 Revocation or Suspension of Type Certificates or Supplemental Type Certificates.

(a) In the event the DCA revokes or suspends a type certificate of a product for which the DCA is the authority of the State of Design, it should immediately inform the FAA product-responsible Directorate. The FAA, upon notification, will conduct an investigation to determine whether action is required in the United States. If the revocation or suspension was “for cause” and the FAA concurs with the DCA’s certification action, the FAA will initiate revocation or suspension of the U. S. type certificate. The FAA may decide to assume continued airworthiness responsibilities if there is sufficient information for it to support the continued operational safety of the fleet in the United States. In this case the DCA should obtain and provide type design data as requested to the FAA. Final certificate action is at the sole discretion of the FAA. The FAA may revoke the U.S. type certificate if the continued airworthiness responsibilities would cause an undue burden for the FAA.

(b) In the event the FAA revokes or suspends a type certificate or supplemental type certificate of a product for which the U.S. is the State of Design, the FAA product-responsible directorate should immediately inform the DCA.

(c) Since Malaysia does not issue type certificates for imported aircraft, the DCA will, upon notification, revoke the Certificate of Airworthiness for those affected aircraft. The Certificate of Airworthiness may be reissued upon reissuance of the FAA type certificate or STC.

3.4.3.6 Surrender or Withdrawal of TSO Design Approval.

(a) Surrenders. If an FAA TSO Authorization or Letter of Design Approval holder, or a DCA Declaration of Design and Performance holder elects to surrender the TSO or DDP approval issued by the FAA or DCA respectively, as exporting authorities, the FAA or DCA will immediately notify the other in writing of the action. The exporting authority shall accomplish all actions necessary to ensure the continued airworthiness of the product, until such time as the TSO approval is formally withdrawn by the exporting authority.

(b) Withdrawals. If a TSO approval is withdrawn, the FAA or DCA, as exporting authorities, will immediately notify the other in writing, as importing authority, of the action. The exporting authority shall continue to fulfill the continued airworthiness responsibilities with respect to the design of all articles produced under its TSO approval. In the event of withdrawal of a TSO approval for noncompliance, the exporting authority will investigate all nonconformities for corrective action and notify the importing authority of the corrective action. The exporting authority will continue to support those TSO articles manufactured under its authority that are in service.

SECTION IV TECHNICAL ASSISTANCE BETWEEN AUTHORITIES

4.0 General. Upon request and mutual agreement, the FAA and DCA may provide technical assistance to each other when significant activities are conducted in either the U.S. or Malaysia. These technical assistance activities will help to avoid an undue burden imposed on the exporting authority in the undertaking of its regulatory surveillance and oversight functions out-of-country. These supporting technical assistance activities shall in no way relieve the exporting authority of the responsibilities for regulatory control and airworthiness certification of products and parts manufactured at the manufacturing facilities located outside the exporting country. Each authority will use its own policies and procedures when providing technical assistance to the other authority, unless other special arrangements are agreed upon. Type of assistance may include, but are not limited to, the following:

(a) Determination of Compliance.

- (1) Witnessing tests;
- (2) Performing compliance and conformity inspections;
- (3) Reviewing reports; and
- (4) Obtaining data.

(b) Surveillance and Oversight.

- (1) Witnessing of first article inspection of parts;
- (2) Monitoring the controls on special processes;
- (3) Conducting inspections on production parts;
- (4) Monitoring the activities and functions of designees and delegated organizations;
- (5) Conducting investigations of service difficulties; and
- (6) Evaluating/surveilling production quality systems.

4.1 Witnessing of Tests During Design Approval.

- (a) The airworthiness authority of the country in which a design approval applicant is located may request assistance in the witnessing of tests from the airworthiness authority of the country in which a design approval applicant's supplier is located.

(b) Only authority-to-authority requests are permissible and authorities will not respond to a test witnessing request from the manufacturer or supplier. Witnessing of tests will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed and agreement has been obtained from the airworthiness authority in the country in which the supplier is located. The airworthiness authority of the country in which the design approval applicant is located makes the written request for witnessing of tests.

(c) Approval of the design approval applicant's test plans, test procedures, test specimens, and hardware configuration remains the responsibility of the airworthiness authority of the country in which the design approval applicant is located. Establishing the conformity of each test article prior to the conduct of the test is the responsibility of the design approval applicant.

(d) Requests for witnessing of tests must be specific enough to provide for identification of the location, timing, and nature of the test to be witnessed. An approved test plan must be provided by the requesting authority at least two weeks prior to each scheduled test.

(e) DCA requests for witnessing of tests will be sent to the appropriate FAA Aircraft Certification Office. For tests associated with a current DCA or FAA validation program, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For tests associated with a Malaysian certification program only, the requests should be sent to the FAA Aircraft Certification Office which has geographic responsibility for the State in which the tests will take place. FAA Aircraft Certification Offices are listed in Appendix A. DCA's requests will be sent on a completed DCA Form 8120-10, *Request for Conformity*. The FAA requests for witnessing of tests will be sent by letter to the appropriate DCA address, as listed in Appendix A.

(f) Upon completion of test witnessing on behalf of the requesting authority, the FAA or DCA will send a report stating that the test was conducted in accordance with approved test plans and confirming the test results, as well as any other documentation as notified by the requesting authority.

4.2 Conformity Certifications During Design Approval.

(a) The airworthiness authority of the country in which a design approval applicant is located may request conformity certifications from the airworthiness authority in the country in which the design approval applicant's supplier is located for specified prototype parts produced by that supplier.

(b) Only authority-to-authority requests are permissible and authorities will not respond to a conformity certification request from the manufacturer or supplier. Certifications will be conducted only after consultations between the two airworthiness authorities on the specific work to be performed, and agreement has

been obtained from the airworthiness authority in the country in which the supplier is located. Requests for conformity certifications should be limited to prototype parts that are of such complexity that they are not inspectable by the manufacturer or its airworthiness authority prior to installation in the final product. Conformity certifications may require the development of a working procedure based on the complexity of the requested certifications. At the discretion of the authority in receipt of such requests, conformity certifications may be delegated to authorized designees or delegated organizations.

(c) The DCA requests for conformity certifications will be sent to the appropriate FAA Office. For conformity certifications associated with a current DCA or FAA validation program, the requests should be sent to the FAA Aircraft Certification Office responsible for the U.S. applicant. For conformity certifications associated with a Malaysian certification program only, the requests should be sent to the FAA Directorate Manufacturing Inspection Office which has geographic responsibility for the State in which the conformity certification will take place. FAA Offices are listed in Appendix A. FAA requests for conformity certifications will be sent on a completed FAA Form 8120-10, *Request for Conformity*, to the DCA address listed in Appendix A.

(d) Upon completion of all conformity inspections conducted on behalf of the requesting authority, the FAA or DCA will complete and return all documentation to the requesting authority, as notified. The airworthiness authority of the country in which the supplier is located will note all deviations from the requirements notified by the design approval applicant's airworthiness authority on the conformity certification for the particular part. Any nonconformity described as a deviation should be brought to the attention of the FAA or DCA for evaluation and disposition. The FAA or DCA should receive a report stating the disposition required on each deviation before an FAA Form 8130-3 or DCA Form ARC/AAT is issued.

(e) Neither conformity certification on prototype parts, nor inspections on production parts, should be construed as being an export airworthiness approval, since a conformity certification does not constitute an airworthiness determination. Airworthiness determinations remain the responsibility of the design/production approval holder and the airworthiness authority of the country in which the holder is located

- 4.3 Airworthiness Certificates. There may be certain programs and conditions that warrant technical assistance from each authority for the issuance of standard airworthiness certificates so that aircraft may be placed directly into operation from the site of manufacture. The importing authority may seek assistance from the exporting authority in the final processing, dating and delivery of an airworthiness certificate when the aircraft has completed its manufacturing cycle, and has subsequently been granted an Export Certificate of Airworthiness by the exporting

authority. This will require the development of a special procedure between the exporting and importing authorities to mitigate all undue regulatory burdens.

4.4 Protection of Proprietary Data and Freedom of Information Act (FOIA) Requests.

4.4.0 Protection of Proprietary Data. Both authorities recognize that data submitted by a design approval holder is the property of that holder, and release of that data by the FAA or DCA is restricted. The FAA and DCA agree that they will not copy, release, or show proprietary data obtained from either authority to anyone other than an FAA or DCA employee without written consent of the design approval holder. This written consent will be obtained by the FAA or DCA from the design approval holder through the authority of the country in which the holder is located and will be provided to the other authority.

4.4.1 FOIA Requests. The FAA often receives requests from the public under the United States Freedom of Information Act (FOIA) to release information which the FAA may have in its possession. Each record the FAA has in its possession must be disclosed under the FOIA unless an FOIA exemption applies to that record. One exemption is for trade secrets, and financial or commercial information that is privileged or confidential. Design approval holders' data may include trade secret information or other information that is confidential because release of it would damage the competitive position of the holder or other person. When the FAA receives a FOIA request related to a product of an FAA approval holder or applicant who is located in Malaysia, the FAA will request the DCA's assistance in contacting the FAA approval holder or applicant to solicit their position on what portions of that information may qualify for exemption under the criteria above and to ask them to provide factual information justifying use of the exemption. If the approval holder or applicant consent to the release of information, the DCA must provide the written consent to the FAA. If release is objected to, a statement of the reasons must be furnished by the DCA to the FAA.

4.5 Accident/Incident and Suspected Unapproved Parts Investigation Information Requests. When either the FAA or DCA needs information for the investigation of service incidents, accidents, or suspected unapproved parts involving a product imported under these Implementation Procedures, the request for the information should be directed to the appropriate office of the exporting authority. In turn, upon receipt of the request for information, the exporting authority should immediately do everything necessary to make sure the requested information is provided in a timely manner. If urgency requires that either the FAA or DCA requests the information directly from the manufacturer because immediate contacts cannot be made with the exporting authority, the importing authority shall inform its counterpart authority of this action as soon as possible.

SECTION V SPECIAL ARRANGEMENTS

- 5.0 It is anticipated that urgent or unique situations will develop which have not been specifically addressed in these Implementation Procedures, but which are within the scope of the BASA. When such a situation arises, it shall be reviewed by the respective FAA Aircraft Certification Service Director and the DCA, Director of Airworthiness, and a procedure shall be developed to address the situation. The procedure shall be mutually agreed upon by the FAA and the DCA in a separate working procedure. If it is apparent that the situation is unique, with little possibility of repetition, then the working procedure shall be of limited duration. However, if the situation has anticipated new technology or management developments which will lead to further repetitions, then these Implementation Procedures shall be revised accordingly by the FAA and the DCA.
- 5.1 It should be noted that, when the unique or urgent situation falls within the responsibility of an FAA Aircraft Certification Service Directorate Manager, that Manager will be responsible for developing the necessary procedures with the DCA. The special arrangements co-developed between the authorities are listed in Appendix C.

SECTION VI AUTHORITY

The FAA and DCA agree to the provisions of these Implementation Procedures as indicated by the signature of their duly authorized representatives.

FEDERAL AVIATION ADMINISTRATION
DEPARTMENT OF TRANSPORTATION
UNITED STATES OF AMERICA

By [Original Signed by John Hickey]

Title Director, Aircraft Certification Service

Date January 8, 2002

DEPARTMENT OF CIVIL AVIATION
MINISTRY OF TRANSPORT
MALAYSIA

By [Original Signed by Tan Check Hong]

Title Director of Airworthiness

Date January 8, 2002

APPENDIX A

List of Addresses for
FAA Headquarters Offices, FAA Mike Monroney Aeronautical Center,
FAA Aircraft Certification Service Directorates, FAA Manufacturing Inspection Offices,
FAA Aircraft Certification Offices, FAA Manufacturing Inspection District Offices,
and
DCA Offices

FAA Headquarters - Aircraft Certification Service

International Airworthiness Programs Staff

AIR-4

800 Independence Avenue, S.W.

Washington, DC 20591

Telephone: 1-(202) 267-7008

Fax: 1-(202) 267-5364

Aircraft Engineering Division

AIR-100

800 Independence Avenue, S.W.

Washington, DC 20591

Telephone: 1-(202) 267-9580

Fax: 1-(202) 267-5340

Production & Airworthiness Division

AIR-200

800 Independence Avenue, S.W.

Washington, DC 20591

Telephone: 1-(202) 267-8361

Fax: 1-(202) 267-5580

Brussels Aircraft Certification Staff

AEU-100

15 Rue de la Loi (1st Floor)

B-1040 Brussels

Belgium

Telephone: (32-2) 508-2710

Fax: (32-2) 230-6899

Brussels staff includes representatives from the Aircraft Engineering Division (AIR-100), Transport Airplane Directorate (ANM-100), Small Airplane Directorate (ACE-100), Engine & Propeller Directorate (ANE-100) and Rotorcraft Directorate (ASW-100).

FAA Headquarters for Environmental Policy and Regulations

Office of Environment and Energy

AEE-1

800 Independence Avenue, S.W.

Washington, DC 20591

Telephone: 1-(202) 267-3576

Fax: 1-(202) 267-5594

FAA Headquarters - Administrative Coordination

Office of International Aviation

AIA-1

800 Independence Ave., SW

Washington, DC 20591

Telephone: 1-(202) 267-3230

Fax: 1-(202) 267-5032

FAA Mike Monroney Aeronautical Center - Contact Point for FAA Airworthiness Directives

Flight Standards Service Regulatory Support Division

Mailing Address

Airworthiness Programs Branch

AFS-610

P.O. Box 26460

Oklahoma City, OK 73125

Telephone: 1-(405) 954-4103

Fax: 1-(405) 954-4104

Office Address

Airworthiness Programs Branch

AFS-610

ARB, Room 304

6500 S. MacArthur Blvd.

Oklahoma City, OK 73169

FAA Aircraft Certification Directorates

Engine and Propeller Directorate

ANE-100

Regulatory and policy responsibility for all aircraft engines, propellers, and auxiliary power units.

12 New England Executive Park

Burlington, Massachusetts 01803

Telephone: 1-(617) 238-7100

Fax: 1-(617) 238-7199

FAA Aircraft Certification Directorates (Cont.)

Rotorcraft Directorate

ASW-100

Regulatory and policy responsibility for normal and transport category rotorcraft.

2601 Meacham Blvd.

Fort Worth, TX 76137-4298

Telephone: 1-(817) 222-5100

Fax: 1-(817) 222-5959

Small Airplane Directorate

ACE-100

Regulatory and policy responsibility for:

1. Airplanes weighing less than 12,500 pounds and having passenger configurations of 9 seats or less,
2. Commuter airplanes weighing 19,000 pounds or less, with passenger configurations of 19 seats or less, and
3. Gliders, airships, and manned free balloons.

DOT Building 901 Locust

Room 301

Kansas City, MO 64106-2641

Telephone: 1-(816) 329-4100

Fax: 1-(816) 329-4106

Transport Airplane Directorate

ANM-100

Regulatory and policy responsibility for all transport category airplanes.

1601 Lind Avenue, S.W.

Renton, WA 98055-4056

Telephone: 1-(425) 227-2104

Fax: 1-(425) 227-1100

FAA Manufacturing Inspection Offices

Engine and Propeller Directorate Manufacturing Inspection Office

For the States of: Connecticut, Delaware, Maine, Maryland, Massachusetts
New Hampshire, New Jersey, New York, Pennsylvania,
Rhode Island, Vermont, Virginia, and West Virginia.

ANE-180
12 New England Executive Park
Burlington, MA 01803

Telephone: 1-781-238-7180
Fax: 1-781-238-7199

Rotorcraft Directorate Manufacturing Inspection Office

For the States of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

ASW-180
2601 Meacham Blvd.
Fort Worth, TX 76137-4298

Telephone: 1-817-222-5180
Fax: 1-817-222-5962

Small Airplane Directorate Manufacturing Inspection Office

For the States of: Alabama, Alaska, Florida, Georgia, Illinois, Indiana, Iowa, Kansas,
Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska,
North Carolina, North Dakota, Ohio, South Carolina, South Dakota,
Tennessee, and Wisconsin.

ACE-180
DOT Building, 901 Locust
Room 301
Kansas City, MO 64106-2641

Telephone: 1-816-329-4100
Fax: 1-816-329-4106

Transport Airplane Directorate Manufacturing Inspection Office

For the States of: Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

ANM-108
1601 Lind Avenue, SW
Renton, WA 98055-4056

Telephone: 1-425-227-2108
Fax: 1-425-227-1100

FAA Aircraft Certification Offices

Boston Aircraft Certification Office
ANE-150
12 New England Executive Park
Burlington, MA 01803
Telephone: 1-(617) 238-7150
Fax: 1-(617) 238-7199

New York Aircraft Certification Office
ANE-170
10 Fifth Street, Third Floor
Valley Stream, NY 11581-1200
Telephone: 1-(516) 256-7501
Fax: 1-(516) 568-2716

Chicago Aircraft Certification Office
ACE-115C
2300 East Devon Avenue
Room 323
Des Plaines, IL 60018
Telephone: 1-(847) 294-7357
Fax: 1-(847) 294-7834

Anchorage Aircraft Certification Office
ACE-115N
222 West 8th Avenue,
Anchorage, AK 99513
Telephone: 1-(907) 271-2669
Fax: 1-(907) 271-6365

Boston Engine Certification Office
ANE-140
12 New England Executive Park
Burlington, MA 01803
Telephone: 1-(617) 238-7140
Fax: 1-(617) 238-7199

Atlanta Aircraft Certification Office
ACE-115A
One Crown Center
1895 Phoenix Boulevard, Suite 450
Atlanta, GA 30349
Telephone: 1-(770) 703-6035
Fax: 1-(770) 703-6097

Wichita Aircraft Certification Office
ACE-115W
1801 Airport Road
Room 100, Mid-Continent Airport
Wichita, KS 67209
Telephone: 1-(316) 946-4106
Fax: 1-(316) 946-4407

Seattle Aircraft Certification Office
ANM-100S
1601 Lind Avenue, S.W.
Renton, WA 98055-4056
Telephone: 1-(425) 227-2180
Fax: 1-(425) 227-1181

Denver Aircraft Certification Office
ANM-100D
Technical Operations Center (TOC)
26805 E. 68th Avenue, Room 214
Denver, CO 80249
Telephone: 1-(303) 342-1080
Fax: 1-(303) 342-1088

Los Angeles Aircraft Certification Office
ANM-100L
3960 Paramount Blvd.
Lakewood, CA 90712
Telephone: 1-(562) 627-5200
Fax: 1-(562) 627-5210

Fort Worth Airplane Certification Office
ASW-150
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-(817) 222-5150
Fax: 1-(817) 222-5960

Fort Worth Rotorcraft Certification Office
ASW-170
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-(817) 222-5170
Fax: 1-(817) 222-5960

Fort Worth Special Certification Office
ASW-190
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-(817) 222-5190
Fax: 1-(817) 222-5136

FAA Manufacturing Inspection Offices

Engine and Propeller Directorate Manufacturing Inspection Office
ANE-180
12 New England Executive Park
Burlington, Massachusetts 01803
Telephone: 1-(617) 238-7180
Fax: 1-(617) 238-7199

Rotorcraft Directorate Manufacturing Inspection Office
ASW-180
2601 Meacham Blvd.
Fort Worth, TX 76137-4298
Telephone: 1-(817) 222-5180
Fax: 1-(817) 222-5962

FAA Manufacturing Inspection Offices (Cont).

Small Airplane Directorate Manufacturing Inspection Office

ACE-180
601 East 12th Street
Kansas City, MO 64106
Telephone: (816) 426-5955
Fax: (816) 426-3590

Transport Airplane Directorate Manufacturing Inspection Office

ANM-108
1601 Lind Avenue, SW
Renton, WA 98055-4056
Telephone: (425) 227-2108
Fax: (425) 227-1100

DCA Office

Airworthiness Division
Department of Civil Aviation
Level 1, Block D5
Federal Government Administration Centre
62502 Putrajaya Malaysia
Telephone: 603-88866097
Fax: 603-88891504

APPENDIX B

List of Referenced Documents

FAA Referenced Documents

1. Code of Federal Regulations, Title 14, Parts 21-35, Part 36, and Part 45
2. FAA Advisory Circular 21-20, *Supplier Surveillance Procedures*.
3. FAA Advisory Circular 21-23, *Airworthiness Certification of Civil Aircraft, Engines, Propellers, and Related Products Imported into the United States*
4. FAA Order 8100.7, *Aircraft Certification Systems Evaluation Program*.
5. FAA Order 8110.4, *Type Certification Process*.
6. FAA Order 8130.2, *Airworthiness Certification of Aircraft and Related Products*.
7. FAA Order 8130.21, *Procedures for Completion and Use of FAA Form 8130-3, Airworthiness Approval Tag*.
8. FAA Advisory Circular 21-2, *Export Airworthiness Approval Procedures*.
9. ICAO Annex 8, *Airworthiness of Aircraft*.

DCA Referenced Documents

1. Malaysia Civil Aviation Regulations 1996
2. DCA Malaysia Airworthiness Division Manual
3. Airworthiness Division Notices
4. British Civil Aviation Requirements
5. ICAO Annex 8, *Airworthiness of Aircraft*

APPENDIX C

List of Special Arrangements

1. Name of Special Arrangement:

Date of Issue:

2. Name of Special Arrangement:

Date of Issue:

3. Name of Special Arrangement:

Date of Issue: